

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT YARBROUGH,  
Plaintiff,

v.

FEDEX FREIGHT, INC.,  
Defendant.  
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**ORDER**

22 CV 7776 (VB)

10/11/23

As discussed at a case management conference held on the record today, at which counsel for both parties appeared, it is HEREBY ORDERED:

1. The deadline for completion of all discovery, including expert discovery, is extended to December 4, 2023, solely for the purpose of allowing defendant to, if it so chooses, (i) supplement its expert disclosure in light of plaintiff's treating physician's expert disclosure made on September 20, 2023, and (ii) take plaintiff's expert's deposition.
2. By October 24, 2023, defense counsel shall inform the Court in writing whether defendant wishes to either (i) engage in private mediation now, without prejudice to filing its contemplated motion for summary judgment should mediation fail, or (ii) move for summary judgment now and commence mediation after the motion has been fully briefed.
3. If defense counsel advises the Court that defendant wishes to engage in private mediation now (*i.e.*, before moving for summary judgment), the Court will set a date for the next case management conference approximately 90 days thereafter.
4. If defendant chooses to move for summary judgment before engaging in mediation, it shall serve its motion by no later than December 15, 2023. Plaintiff shall serve his opposition by January 30, 2024, and defendant shall serve its reply by February 13, 2024. The parties are directed NOT to file their motion papers on the ECF docket pending further Court order. Once the parties have exchanged their respective motion papers, defense counsel shall inform the Court in writing, by February 27, 2024, whether defendant wishes to engage in mediation while its motion for summary judgment is pending and how long the parties anticipate mediation will last.

Dated: October 10, 2023  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge